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C O N F I D E N T I A L TEL AVIV 002219

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PRM/AFR, PRM/ANE, NEA/ELA, NEA/IPA, PRM FOR
RAMGOOLIE/THIBAUT/LANGE AND KELLY RYAN, DHS FOR
CITIZENSHIP AND IMMIGRATION SERVICES JEDDIAH HUSSEY AND
JOSEPH LANGLOIS

E.O. 12958: DECL: 09/19/2013
TAGS: [PREF](#) [PHUM](#) [EG](#) [IS](#) [ER](#) [SU](#) [AF](#)
SUBJECT: ISRAEL DISPUTES "COORDINATED RETURNS" OF AFRICANS
TO EGYPT

REF: A. STATE 95212 B. TEL AVIV 1982

Classified By: DCM Luis G. Moreno for reasons 1.4 (b) and (d).

1. (C) SUMMARY Post delivered demarche (Reftel A) on September 17 as a non-paper to Eviatar Manor, MFA Deputy Director General (DDG) for International Organizations and the United Nations. Manor and Simona Halperin, MFA Director of the International Organizations and Human Rights Department, responded that the "vast majority" of the alleged "hot returns" had never entered Israeli territory. Halperin said that Israeli personnel are being trained on interviewing procedures approved by the Israeli Supreme Court, but insisted that these procedures only applied to people who had entered Israel. Post has expressed concern that the GOI procedures do not adequately screen for a well-founded fear of persecution, particularly in light of Egypt's poor track record this year with Eritrean refugees, but Manor maintained that GOI procedures are in accordance with UNHCR guidelines. Manor expressed continued Israeli willingness to participate in an informal discussion on the margins of UNHCR's October Executive Committee meeting to identify possible mechanisms to address more humanely the continued mixed flows of African migrants and asylum seekers to Egypt and Israel. END SUMMARY

Israel Denies That Africans Had Entered Israel

2. (C) Deputy POL/C delivered demarche (Reftel A) on September 17 as a non-paper to Eviatar Manor, MFA Deputy Director General (DDG) for International Organizations and the United Nations. Manor and Simona Halperin, MFA Director of the International Organizations and Human Rights Department, responded September 18 via telephone conference call with Deputy POL/C. Manor said that the "vast majority" of the cases described in our demarche represented situations in which the GOI prevented infiltrators from entry, and were not "coordinated returns." Halperin also emphasized that "91 recent (would be) infiltrators were prevented from entering."

MFA Claims "Infiltrators" Seek Sur-Place Status

13. (C) While acknowledging that most African migrants will be detained by Egyptian authorities for immigration violations, Halperin noted that, in most cases, people entering Israel "were not afraid of Egyptian persecution." Manor offered that these individuals know that coming to Israel is not/not like entering another country (e.g. leaving Sudan or Eritrea for Libya, for example). He argued that the asylum seekers know that they will be allowed to stay (i.e. will be considered "sur place" refugees) because entering Israel will be considered by their countries of origin as an illegal act that could subject them to persecution. (NOTE: While this is the case for Sudanese, Eritreans are not considered "sur place" refugees. Eritreans represent roughly 45 percent of the total asylum-seeking population. END NOTE.) Halperin commented that "such people" know that "when they step in (Israel) they buy insurance of not being returned."

Border Procedures For African "Infiltrators"

14. (C) Halperin added that the Supreme Court's instructions had been "reemphasized" and communicated to IDF forces along Israel's border with Egypt in recent weeks, and said that anyone who is sent back to Egypt in a coordinated return must be questioned first. According to Halperin, the asylum seekers are interviewed and questioned about their personal details (how long have they been in Egypt; where did they come from; if they had been arrested, how long they had been arrested; who are the relatives of minors; and why they came to Israel.) The army soldier or border guard -- none of whom to our knowledge have undergone training to USG or UNHCR

standards in refugee screening -- then decides whether the individual has a subjective or objective fear of persecution if returned to Egypt. Halperin noted that this procedure only applies to people who have entered Israel, and does not apply to cases where criminality is suspected.

15. (C) Halperin offered that in most cases, people entering Israel "were not afraid of Egyptian persecution" and said that there is a major difference between those "running for their life" and others who are asking for asylum. (NOTE: Tel Aviv University Law Clinic provided a translation of an affidavit signed by IDF Brigadier General Yoel Strick (who has responsibility for the Egyptian border near Nitzana) that was submitted to the Israeli Supreme Court on September 1. The affidavit says that, "on August 23, 26, 27, and 29, "coordinated returns" of 91 infiltrators of African origin were performed. Most of them were captured without documentation. This was fully coordinated with the liaison officers in Egypt during and in proximity to the place and time of the infiltration. It was clarified to me that...the Egyptians transfer the infiltrators to the handling of the local justice system." END NOTE.)

Burden Sharing

16. (C) Halperin asked for an update on where the USG stands on the GOI request for U.S. assistance in "burden-sharing" with the large groups of (Eritreans and Sudanese) who do not qualify as refugees under the 1951 refugee convention (i.e. who do not fear personal persecution) and those who may fit under the rubric of sur place refugees. (NOTE: We have shared our views with the GOI that if Israel were to start resettling African refugees to the east, Israel would find itself with even larger inflows. END NOTE.)

Israeli Procedures In Accord With UNHCR Procedures?

17. (C) On the point about UNCHR, Ambassador Manor politely maintained that "GOI procedures are right and in accordance with UNHCR customs and procedures." Halperin was less

diplomatic, and said that she considered this part of the USG demarche more appropriate to direct at a country such as Eritrea, not one such as Israel.

Israel Willing To Meet At ExCom

18. (C) D/POL/C inquired about GOI willingness to participate to participate in an informal discussion on the margins of UNHCR's October Executive Committee meeting to identify possible mechanisms to address more humanely the continued mixed flows of African migrants and asylum seekers to Egypt and Israel, and Ambassador Manor expressed continued Israeli willingness to do so. He added that the Egyptian delegation in Geneva is generally less cooperative.

19. (C) COMMENT: As Regional Refugee Coordinator and Embassy Refugee Reporting Officer previously explained to Halperin, Egypt has a poor track record this year on refugee protection. Egypt deported 200 Eritreans back to Eritrea in the past year, and no one in the international community has heard of them since. We hear many reports of Egypt denying UNHCR access to refugees detained, even if only detained on immigration violations. (Most refugees violate immigration laws. The very nature of flight from persecution means that they do not typically come with visas or even travel documents.) Israel, as a signatory to the 1951 Convention and 1967 Protocol, is responsible for not returning asylum seekers to a state where they will not be protected under the Convention. (Egypt is a not a signatory to the Convention.)

10. (C) COMMENT CONTINUED: One of the key issues in this regard is whether the GOI-approved procedures at the border are adequate. In her response to the demarche, Halperin's description of the procedures differed from her description during a September 4 meeting. We have not seen any written policies or procedures from Israel to support Manor's statement that GOI procedures are in accordance with UNHCR customs and procedures, and the Ministry of Interior (MOI) has not responded to our requests to see their policies. Until the GOI can clarify and confirm that the appropriate questions are asked to make an informed initial determination as to whether the asylum seekers have a fear of return to where they have come from -- an essential element of U.S. procedures, which require a full Refugee Status Determination (RSD) interview with asylum seekers if the U.S. official feels that there is a 10 percent chance that the individual has a fear of return -- we remain concerned as to whether Israel is adequately fulfilling its obligations under the Refugee Convention and Protocol. END COMMENT.

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